



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: Masaki ISHIDAO et al.

Group Art Unit: 2655

Serial No.: 10/768,188

Filed: February 2, 2004

Confirmation No.: 3660

For: SEMICONDUCTOR MEMORY DEVICE AND MANUFACTURING
METHOD THEREOF

Attorney Docket No.: 032209
Customer Number: 38834

PETITION UNDER 37 CFR § 1.47(a)

Box: PETITIONS
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

June 30, 2004

Sir:

Applicants petition under 37 CFR § 1.47(a). The first named inventor refuses to join in the application for patent or cannot be found or reached after diligent effort.

Attached is a statement of pertinent facts entitled, "Necessary information for the missing inventor" by applicants' representative in Japan who is most knowledgeable of the facts. The last known address of the nonsigning inventor is set forth in the "Necessary information for the missing inventor". A copy of the mail delivery receipt along with the letter sent to the missing inventor is attached to the "Necessary information for the missing inventor". The letter included the declaration and assignment requesting him to sign and return them to the representative in Japan. The mail delivery receipt indicates the letter reached him on January 22, 2004.

Petition Under 37 C.F.R. §1.137(a)
Attorney Docket No. 032209

Also submitted concurrently herewith is a declaration signed by all the available joint inventors.

If any additional fees are required with respect to this paper, please charge our Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP



Stephen G. Adrian
Attorney for Applicant
Registration No.: 32,878

SGA/l
1250 Connecticut Avenue, NW
Suite 700
Washington, D.C. 20036
(202) 822-1100

Attachments: "Necessary information for the missing inventor" with copy of letter to missing inventor and copy of mail delivery receipt.

Necessary information for the missing inventor

1) The missing inventor: Masaki ISHIDAO

2) His last known address:

2-506, Azuma-cho 1-chome, Atsugi-shi, Kanagawa 243-0006 Japan

3) The pertinent facts:

Declaration and Power of Attorney, Assignment were sent to the missing inventor's above address on January 13, 2004 via registered mail and reached the missing inventor on January 22, 2004. However, we have not received any reply from him. In addition, he can not be reached on the phone since his phone number with above address is not registered and it is impossible for us to obtain his phone number.

June. 23rd, 2004

K. Minagawa

Kanako MINAGAWA

KOKUBUN INTERNATIONAL
PATENTS AND TRADEMARKS

the mail delivery
receipt

契 18-241 印

郵便物配達証明書

受取人の 氏名	石田尾 賀樹 様
引受番号	120-04-40537-2 号
上記の郵便物は、16年1月22日配達 したのでこれを証明します。	
都府県 神奈川 厚木北	郵便局 付 16.1.22 18-24

ユ07370 (14・HIN)

再生紙使用

書類送付のご案内

平成16年1月13日

石田尾 睿樹 様

東京都豊島区東池袋1-107-8
池袋TGホ-ムズビル(5F)〒170-0013
國分特許事務所
TEL (03) 3590-8901 (代表)
FAX (03) 3590-4801
担当： 皆川

米国特許出願

「半導体記憶装置及びその製造方法」

(対応日本国出願：特願2003-027514)

富士通株式会社様整理No 02-41448

弊所整理No F1188P-US の件

拝啓 時下ますますご清栄のこととお慶び申し上げます。

さて、標記出願の Declaration and Power of Attorney 及び Assignment のフォームをお送りいたしますので、所定の箇所に石田尾様のサインをしていただいた後、弊所に返送して下さいますようお願い申し上げます。

なお、上記サイン書類は、

平成16年1月21日 (水)

までに弊所へご返送いただきますようお願い申し上げます。

敬 具

添付書類：

(1) Declaration and Power of Attorney	1通
(2) Assignment	1通

U.S. ASSIGNMENT

(Insert ASSIGNEE's
Name(s) Address(es))

IN CONSIDERATION of the sum of One Dollar (\$1.00), and of other good and valuable consideration paid to the undersigned inventor(s) (hereinafter ASSIGNOR) by
FUJITSU LIMITED, 1-1, Kamikodanaka 4-chome, Nakahara-ku,
Kawasaki-shi, Kanagawa 211-8588 Japan

(hereinafter ASSIGNEE), the receipt of which is hereby acknowledged, the undersigned ASSIGNOR hereby sells, assigns and transfers to ASSIGNEE the entire and exclusive right, title and interest to the invention entitled

(Title of Invention)

(*If the assignment is
being filed after the
filing of the
application, this
section must be
completed)

for which application for Letters Patent of the United States was executed on even date herewith unless otherwise indicated below:

* filed on _____ Serial No. _____

(Westerman, Hattori, Daniels & Adrian, LLP is hereby authorized to insert the series code, serial number and/or filing date hereon, when known)

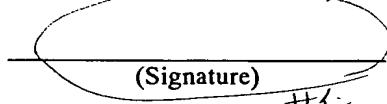
and all Letters Patent of the United States to be obtained therefore on said application or any continuation, divisional, substitute, reissue or reexamination thereof for the full term or terms for which the same may be granted.

The ASSIGNOR agrees to execute all papers necessary in connection with the application and any continuation, divisional, reissue or reexamination applications thereof and also to execute separate assignments in connection with such applications as the ASSIGNEE may deem necessary or expedient.

The ASSIGNOR agrees to execute all papers necessary in connection with any interference, litigation, or other legal proceeding which may be declared concerning this application or any continuation, divisional, reissue or reexamination thereof or Letters Patent or reissue patent issued thereon and to cooperate with the ASSIGNEE in every way possible in obtaining and producing evidence and proceeding with such interference, litigation, or other legal proceeding.

(Signatures)

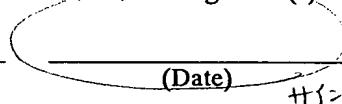
IN WITNESS-WHEREOF, the undersigned inventor(s) has (have) affixed his/her/their signature(s).



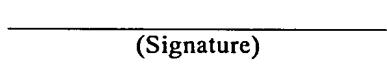
(Signature)

Masaki ISHIDAO

(Type Name)



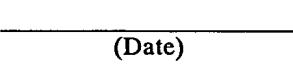
(Date)



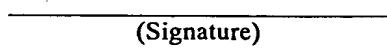
(Signature)

Masahiro KOBAYASHI

(Type Name)



(Date)



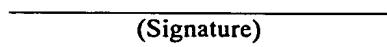
(Signature)

Masatoshi FUKUDA

(Type Name)

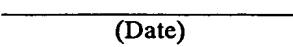


(Date)

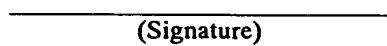


(Signature)

(Type Name)



(Date)

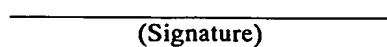


(Signature)

(Type Name)



(Date)



(Signature)

(Type Name)



(Date)

NO LEGALIZATION REQUIRED



WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP

Declaration and Power of Attorney for Patent Application

特許出願宣言書及び委任状 Japanese Language Declaration 日本語宣言書

私は、以下に記名された発明者として、ここに下記の通り宣言する：

As a below named inventor, I hereby declare that:

私の住所、郵便の宛先そして国籍は、私の氏名の後に記載された通りである。

My residence, post office address and citizenship are as stated next to my name.

下記の名称の発明について、特許請求範囲に記載され、且つ特許が求められている発明主題に関して、私は、最初で、最先且つ唯一の発明者である（唯一の氏名が記載されている場合）か、或いは最初、最先且つ共同発明者である（複数の氏名が記載されている場合）と信じている。

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

上記発明の明細書はここに添付されているが、下記の欄がチェックされている場合は、この限りでない：

the specification of which is attached hereto unless the following box is checked:

_____ の日に出願され、
この出願の米国出願番号または PCT 国際出願番号は、
_____ であり、且つ
_____ の日に補正された出願（該当する場合）

was filed on _____
as United States Application Number or
PCT International Application Number
_____ and was amended on
_____ (if applicable).

私は、上記の補正書によって補正された、特許請求範囲を含む上記明細書を検討し、且つ内容を理解していることをここに表明する。

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

私は、連邦規則法典第 37 編規則 1. 56 に定義されている、特許性について重要な情報を開示する義務があることを承認する。

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

Japanese Language Declaration
日本語宣言書

私は、ここに、以下に記載した外国での特許出願または発明者証出願、或いは米国以外の少なくとも一国を指定している米国法典第35編第365条(a)によるPCT国際出願について、同第119条(a)(b)項又は第365条(b)項に基づいて優先権の利益を主張するとともに、優先権を主張する本出願の出願日よりも前の出願日を有する外国で特許出願または発明者証出願、或いはPCT国際出願については、いかなる出願も、下記の枠内をチェックすることにより示した。

Prior Foreign Application(s)
外国での先行出願

2003-027514	Japan
(Number) (番号)	(Country) (国名)

(Number) (番号)	(Country) (国名)
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他の優先権出願については添付のリスト参照

私は、ここに、下記のいかなる米国仮特許出願についても、その米国法典第35編119条(e)項の利益を主張する。

(Application No.) (出願番号)	(Filing Date) (出願日)
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私は、ここに、下記のいかなる米国出願についても、その米国法典第35編第120条に基づく利益を主張し、又米国を指定するいかなるPCT国際出願についても、その同第365条(c)に基づく利益を主張する。また、本出願の各特許請求の範囲の主題が、米国法典第35編第112条第1段に規定された様で、先行する米国出願又はPCT国際出願に開示されていない場合においては、その先行出願の出願日と本国内出願日またはPCT国際出願日との間の期間中に入手された情報で、連邦規則法典第37編規則1.56に定義された特許性に関する重要な情報について開示義務があることを承認する。

(Application No.) (出願番号)	(Filing Date) (出願日)
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(Application No.) (出願番号)	(Filing Date) (出願日)
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私は、ここに表明された私自身の知識に係わる陳述が真実であり、且つ情報と信ずることに基づく陳述が、真実であると信じられることを宣言し、さらに、故意に虚偽の陳述などを行った場合は、米国法典第18編第1001条に基づき、罰金または拘禁、若しくはその両方により処罰され、またそのような故意による虚偽の陳述は、本出願またはそれに対して発行されるいかなる特許も、その有効性に問題が生ずることを理解した上で陳述が行われたことを、ここに宣言する。

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT International application which designated at least one country other than the United States listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application for which priority is claimed.

Priority Claimed	YES	NO
優先権主張	あり	なし
February 4, 2003 (Day/Month/Year Filed) (出願日/月/年)	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
(Day/Month/Year Filed) (出願日/月/年)	<input type="checkbox"/>	<input type="checkbox"/>

See attached list for additional prior foreign applications.

I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below.

(Application No.) (出願番号)	(Filing Date) (出願日)
-----------------------------	------------------------

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s), or 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code Section 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of application.

(Status: Patented, Pending, Abandoned)
(現況 : 特許許可、係属中、放棄)

(Status: Patented, Pending, Abandoned)
(現況 : 特許許可、係属中、放棄)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Declaration and Power of Attorney for Patent Application

特許出願宣言書及び委任状

Japanese Language Declaration

日本語宣言書

委任状： 私は本出願を審査する手続を行い、且つ米国特許商標庁との全ての業務を遂行するために、記名された発明者として、下記の弁護士及び／または弁理士を任命する。

POWER OF ATTORNEY: As a named inventor, I hereby appoint The following attorney(s) and/or agent(s) to prosecute this Application and transact all business in the Patent and Trademark Office connected therewith.

38834

米国特許商標庁

全ての通信は下記の住所へ送付されたい。

ウェスター、ハットリ、ダニエルズ & アドリアン, LLP
1250 コネチカット通り N. W. スイート 700
ワシントンDC、20036

38834

PATENT TRADEMARK OFFICE

Please direct all communications to the following address:

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 Connecticut Avenue, N.W., Suite 700
Washington, D.C. 20036

唯一または第一発明者氏名

Full name of sole or first inventor

発明者の署名

Masaki ISHIDAO

日付

Signature

Date

住所

Residence

国籍

Atsugi, Japan

Citizenship

郵便の宛先

Japan

Post Office Address

2-506, Azuma-cho 1-chome, Atsugi-shi,
Kanagawa 243-0006 Japan

第二共同発明者がいる場合、その氏名

Full name of second joint inventor, if any

発明者の署名

Masahiro KOBAYASHI

日付

Signature

Date

住所

Residence

国籍

Kawasaki, Japan

郵便の宛先

Citizenship

Japan

Post Office Address

c/o FUJITSU LIMITED, 1-1, Kamikodanaka
4-chome, Nakahara-ku, Kawasaki-shi,
Kanagawa 211-8588 Japan

第三共同発明者がいる場合、その氏名

Full name of third joint inventor, if any

発明者の署名

Masatoshi FUKUDA

日付

Signature

Date

住所

Residence

国籍

Kawasaki, Japan

郵便の宛先

Citizenship

Japan

Post Office Address

c/o FUJITSU LIMITED, 1-1, Kamikodanaka
4-chome, Nakahara-ku, Kawasaki-shi,
Kanagawa 211-8588 Japan

The Request for filing application(s) and Assignment

1 / 1

(Partial Translation)

[Request for filing patent application(s)]

Date: September 20, 2002

The title of the invention: SEMICONDUCTOR MEMORY DEVICE AND
MANUFACTURING METHOD THEREOF

The abstract of the invention: Semiconductor memory device and manufacturing method thereof comprising a constitution of precisely forming a pair of charge storage parts in a multi-value flash memory by using an Al2O3 insulating film.

Applicant: FUJITSU LIMITED

[Assignment]

To FUJITSU LIMITED

The underwritten inventor(s) hereby assign and transfer to FUJITSU LIMITED the entire right, title and interest to the invention titled above, both in Japan and overseas, in conformity with the above corporation's regulation.

The inventors: The confirmation date, Share of the invention,

1) Masaki ISHIDAO	September 20, 2002	6
2) Masahiro KOBAYASHI	September 20, 2002	3
3) Masatoshi FUKUDA	September 20, 2002	1

The inventors belong to:

- 1) System memory development, Fujitsu laboratories Ltd.
- 2) System memory development, Fujitsu laboratories Ltd.
- 3) System memory development, Fujitsu laboratories Ltd.

